

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ronald W. Kazmierczak, Regional Director

Remediation and Redevelopment
1125 North Military Avenue
P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5916
FAX 920-492-5859
TTY 920-492-5812

August 18, 2000

Mr. Paul Kaczrowski
Prestige Realty, Inc.
935 Lombardi Avenue
Green Bay, WI 54304

SUBJECT: Green Bay Structural Steel, 865 Lombardi Avenue, Green Bay, WI
WDNR BRRTS # 03-05-194794 and 02-05-223816

Dear Mr. Kaczrowski:

On August 18, 1998 and July 12, 1999, the Wisconsin Department of Natural Resources provided notice to you that the degree and extent of the petroleum and metal contamination at the above named sites were required to be investigated and remediated. We have since been informed that the required investigation and remediation has been accomplished.

On November 1, 1999 and May 30, 2000, the above named sites were reviewed by the Remediation and Redevelopment's Northeast Region Closure Committee for a determination as to whether or not the cases qualified for closeout under ch. NR 726, Wis. Adm. Code.

The Department has received a copy of the completed groundwater use restriction for the above referenced sites and proof of filing this record with the Brown County Register of Deeds. Based on the investigative and remedial documentation provided to the Department, it appears that the petroleum and metal contamination at the above named sites have been remediated to the extent practicable under current site conditions. Therefore, conditional closure of these sites has been granted and no further action is necessary at this time. In the future, this groundwater use restriction may be amended with approval from the Department if conditions change at the sites and the residual contamination has been remediated.

If you have any additional relevant information concerning this matter which was not formerly provided to the Department, you should submit this information to the Department for reevaluation.

The Department's records will reflect final "closure." If you have any questions regarding this determination, please contact me in Green Bay at (920) 492-5943.

Sincerely,

Kristin DuFresne
Hydrogeologist
Bureau for Remediation & Redevelopment

cc: Noel Versch, ECCI - Green Bay

DOCUMENT NO.

WARRANTY DEED
State Bar of Wisconsin Form 1 - 1962

THIS DEED, made between Green Bay Structural Steel Inc.,
a Wisconsin corporation k/a/a GBSX Corporation

and Paul B. Kaczowski, a married individual Grantor,

WITNESSETH, That the said Grantor, for a valuable consideration Grantee,

conveys to Grantee the following described real estate in Brown County,
State of Wisconsin:

THIS SPACE RESERVED FOR RECORDING DATA

RETURN TO
Prestige Realty Co.
Attn: Paul B. Kaczowski
935 Lombardi Avenue
Green Bay, WI 54304

1-1841 and 1-1841 B
Parcel ID No.

Parcel I:

A parcel of land being part of Private Claim 14, in the City of Green Bay, West side of Fox River, Brown County, Wisconsin, described as follows:

Commencing at a point in the South line of Private Claim 15, West side of Fox River, Brown County, Wisconsin, 2284.90 feet North 64°03' West of the Intersection of the South line of said Private Claim 15 and the Westerly right-of-way property line of U.S. Highway 41; thence 1336.05 feet North 25°50' East; thence 1292.96 feet South 64°10' East; thence 32.2 feet South 25°50' West; thence 297.62 feet South 64°10' East; thence 470.06 feet South 25°50' West to the point of beginning; thence 837.29 feet South 64°10' East along the North line of said Private Claim 14 to the Westerly right-of-way property line of U.S. Highway 41; thence 184.53 feet South 35°31' West along the Westerly right-of-way property line of U.S. Highway 41; thence 806.25 feet North 64°10' West; thence 181.90 feet North 26°50' East to the point of beginning AND Part of Lot Eight (8) of Morris & Bromley's Subdivision of the South One-half (S ½) of Private Claim 13 West, lying Southerly of Lombardi Avenue, Westerly of the right-of-way of Ashland Avenue, Easterly of Forward Street and Northerly of Volume 667 Records page 553, in the City of Green Bay, West side of Fox River, Brown County, Wisconsin, EXCEPTING therefrom any parts thereof used for road and/or railroad purposes.

PARCEL II:

That part of Private Claims 14 and 15 West, in the City of Green Bay, West side of Fox River, Brown County, Wisconsin, described as follows:

The Northerly 279.24 feet more or less South of Volume 667 Records Page 553, East of Forward Street and West of the right-of-way of Ashland Avenue, EXCEPTING therefrom any part thereof used for road and/or railroad purposes.

SUBJECT TO the Use Restriction as described below:

GROUNDWATER USE RESTRICTION

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors and assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

This is not homestead property.

Together with all and singular the hereditaments and appurtenances therunto belonging:

And Green Bay Structural Steel Inc.

warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, other easements, restrictions and reservations of record, and general taxes levied in the year of 1999 and will warrant and defend the same.

Dated this 29th day of February, 2000.

GREEN BAY STRUCTURAL STEEL INC.

By:

Ernest A. Minecke
Ernest A. Minecke, President

By:

Gerald J. Ravet
Gerald J. Ravet, Secretary

AUTHENTICATION

Signature(s) _____

authenticated this _____ day of _____, 199 _____

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____)

authorized by §706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY:

Debra L. Holcowski

Schober & Ulatowski, S.C.

(Signatures may be authenticated or acknowledged.

Both are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

BROWN COUNTY

: SS:

Personally came before me this 29th day of February, 2000, the above-named Ernest A. Minecke, in his capacity as President of Green Bay Structural Steel Inc., a Wisconsin corporation, and Gerald Ravet, in his capacity as Secretary of Green Bay Structural Steel, Inc., Wisconsin corporation

to me known to be the person who executed the foregoing instrument and acknowledge the same.

Debra L. Holcowski
Notary Public Brown County, Wis.

My commission is permanent. (If not, state expiration date: _____)

1766420

Document Number

GROUNDWATER USE RESTRICTION

BROWN COUNTY
REGISTER OF DEEDS
JOSEPH WILLIQUETTE

2000 DEC -7 P 1:32

Declaration of Restrictions

In Re:

Parcel 1:

A parcel of land being part of Private Claim 14, in the City of Green Bay, West side of Fox River, Brown County, Wisconsin, described as follows:

Commencing at a point in the South line of Private Claim 15, West side of Fox River, Brown County, Wisconsin; 2284.90 feet North 64° 03' West of the intersection of the South line of said Private Claim 15 and the Westerly right-of-way property line of U.S. Highway 41; thence 1336.05 feet North 25° 50' East; thence 1292.96 feet South 64° 10' East; thence 32.2 feet South 25° 50' West; thence 297.62 feet South 64° 10' East; thence 470.06 feet South 25° 50' West to the point of beginning; thence 837.29 feet South 64° 10' East along the North line of said Private Claim 14 to the Westerly right-of-way property line of U.S. Highway 41; thence 184.53 feet South 35° 31' West along the Westerly right-of-way property line of U.S. Highway 41; thence 806.25 feet North 64° 10' West; thence 181.90 feet North 26° 50' East to the point of beginning AND Part of Lot Eight (8) of Morris & Bromley's Subdivision of the South One-Half (S1/2) of Private Claim 13 West, lying Southerly of Lombardi Avenue, Westerly of the right-of-way of Ashland Avenue, Easterly of Forward Street and Northerly of Volume 667 Records page 553, in the City of Green Bay, West side of Fox River, Brown County, Wisconsin, EXCEPTING therefrom any parts thereof used for road and/or railroad purposes.

Recording Area

Name and Return Address
Prestige Realty Co.
Attn: Paul B. Kaczrowski
935 Lombardi Avenue
Green Bay, WI 54304

I-1841 and I-1841 B
Parcel Identification Number (PIN)

PARCEL II:

That part of Private Claims 14 and 15 West, in the City of Green Bay, West side of Fox River, Brown County, Wisconsin, described as follows:

The Northerly 279.24 feet more or less South of Volume 667 Records Page 553, East of Forward Street and West of the right-of-way of Ashland Avenue, EXCEPTING therefrom any part thereof used for road and/or railroad purposes.

STATE OF WISCONSIN)
) ss
COUNTY OF BROWN)

WHEREAS, Paul B. Kaczrowski, a married individual, is the owner of the above-described property.

WHEREAS, one or more petroleum and/or lead discharges have occurred on this property. On October 13, 1999, Benzene contaminated groundwater above the ch. NR 140, Wis. Adm. Code enforcement standard existed on this property at the location of former groundwater monitoring wells MW-1 and MW-2 at concentrations of 40 parts per billion (ppb) and 13 ppb, respectively, which is above the ch. NR 140, Wis. Adm. Code enforcement standard of 5 ppb for Benzene. On October 13, 1999, 1,2-Dichloroethane contaminated groundwater above the ch. NR 140, Wis. Adm. Code enforcement standard existed on this property at the location of former groundwater monitoring wells MW-1 and MW-2 at concentrations of 15 ppb and 9 ppb, respectively, which is above the ch. NR 140, Wis. Adm. Code enforcement standard of 5 ppb for 1,2-Dichloroethane. On November 1, 1999, Lead contaminated groundwater above the ch. NR 140, Wis. Adm. Code enforcement standard existed on this property at the location of former geoprobe location GP-6 at a concentration of 44 ppb, which is above the ch. NR 140, Wis. Adm. Code enforcement standard of 15 ppb for Lead. The location of the former groundwater monitoring wells and geoprobe is provided on Figures 2 and 3 attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809, Wis. Adm. Code is restricted by chs. NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.


If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any

extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 7 day of August, 2000.

Signature: 

Printed Name: Paul Kaczowski

Subscribed and sworn to before me
this 7 day of August, 2000
Notary Public, State of WI
My commission 4-28-2002
Debbie Sue Seefeldt
Debbie Sue Seefeldt

This document was drafted by the Wisconsin Department of Natural Resources based on information provided by Evans Title Companies.

Lombardi Avenue

Driveway

Grass

Gravel

Grass

Flow pipes

Lotus

MW-5

MW-1

Concrete Pad

MW-2

MW-3

Garage

Office

Structural Fabricating Shop

AREA #2

AREA #5

AREA #4

AREA #3

AREA #6

AREA #9

AREA #8

AREA #7

Legend

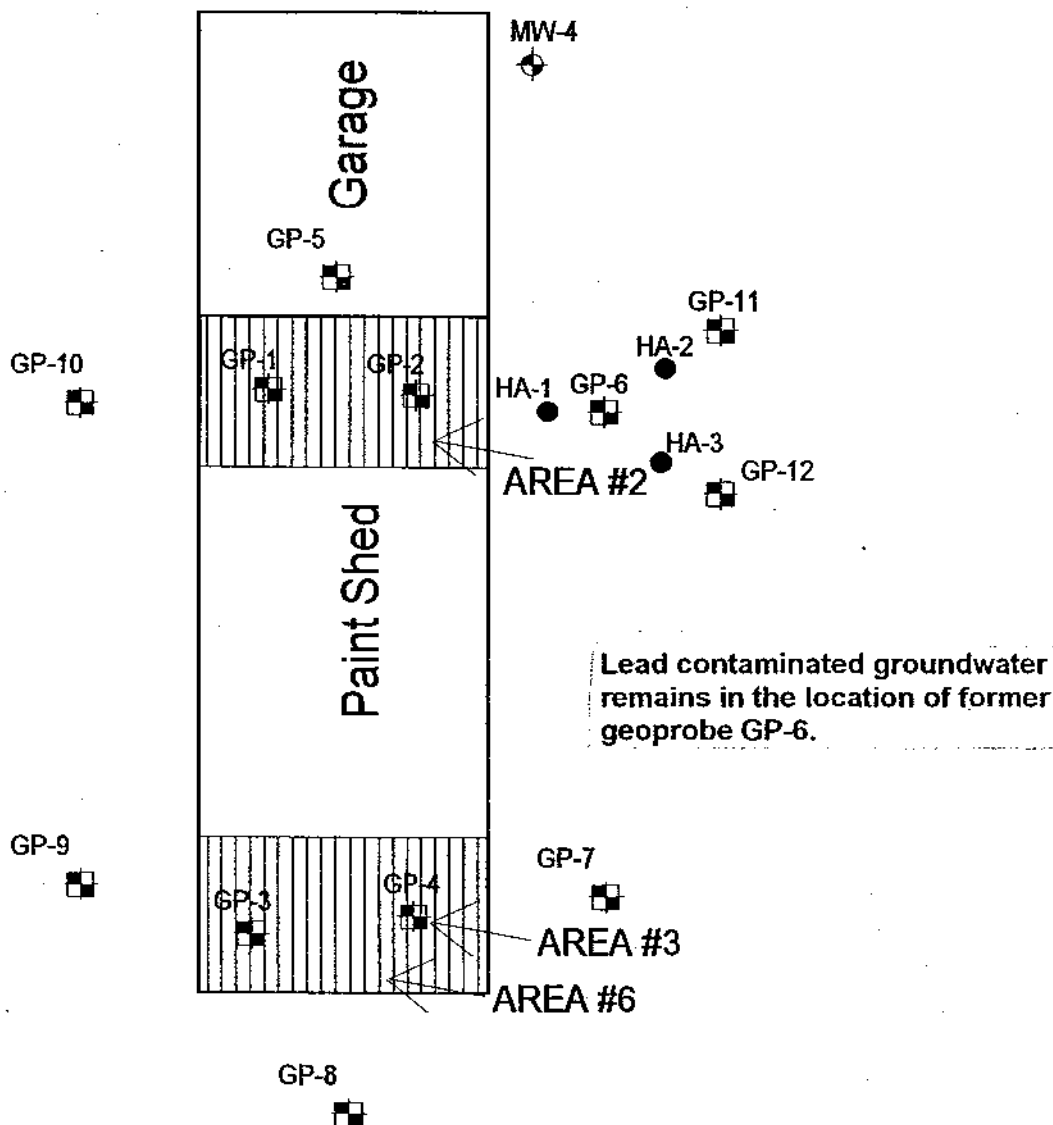
- REL Sample Location
- ECCI Sample Location
- Temporary well location
- Geoprobe soil boring location
- Monitoring well location
- Post-Excavation Borings and Soil Samples

Petroleum contaminated groundwater remains in the location of former groundwater monitoring wells MW-1 and MW-2.

Geen Bay Structural Steel

FIGURE 2
Sample Detail Map

Date: 06/30/99 By: JMM Scale: 1 inch = 40 feet
ENVIRONMENTAL COMPLIANCE CONSULTANTS, INC.



LEGEND

GP-8



Borings Installed 10/22/99 and 11/05/99

MW-4



Monitoring Well (LUST Site)

HA-2



Soil samples collected 11/29/99 (Hand Auger)

Green Bay Structural Steel
 FIGURE 1
 Boring Location Update 12/01/99

Green Bay Structural Steel

FIGURE 1

Boring Location Update 12/01/99

Date: 12/01/99 By: NMV Scale: 1 inch = 40 feet

ENVIRONMENTAL COMPLIANCE CONSULTANTS, INC.



Note: Taken from the
De Pere, VIS
7.5 minute USGS
Topographic Map (1982)

Green Bay Structural Steel, Green Bay, WI

FIGURE 1

SITE LOCATION MAP

SCALE: 1" = 2000'

DATE: 10/12/99

Environmental Compliance Consultants, Inc.

BY: N. Versch

Lombardi Avenue

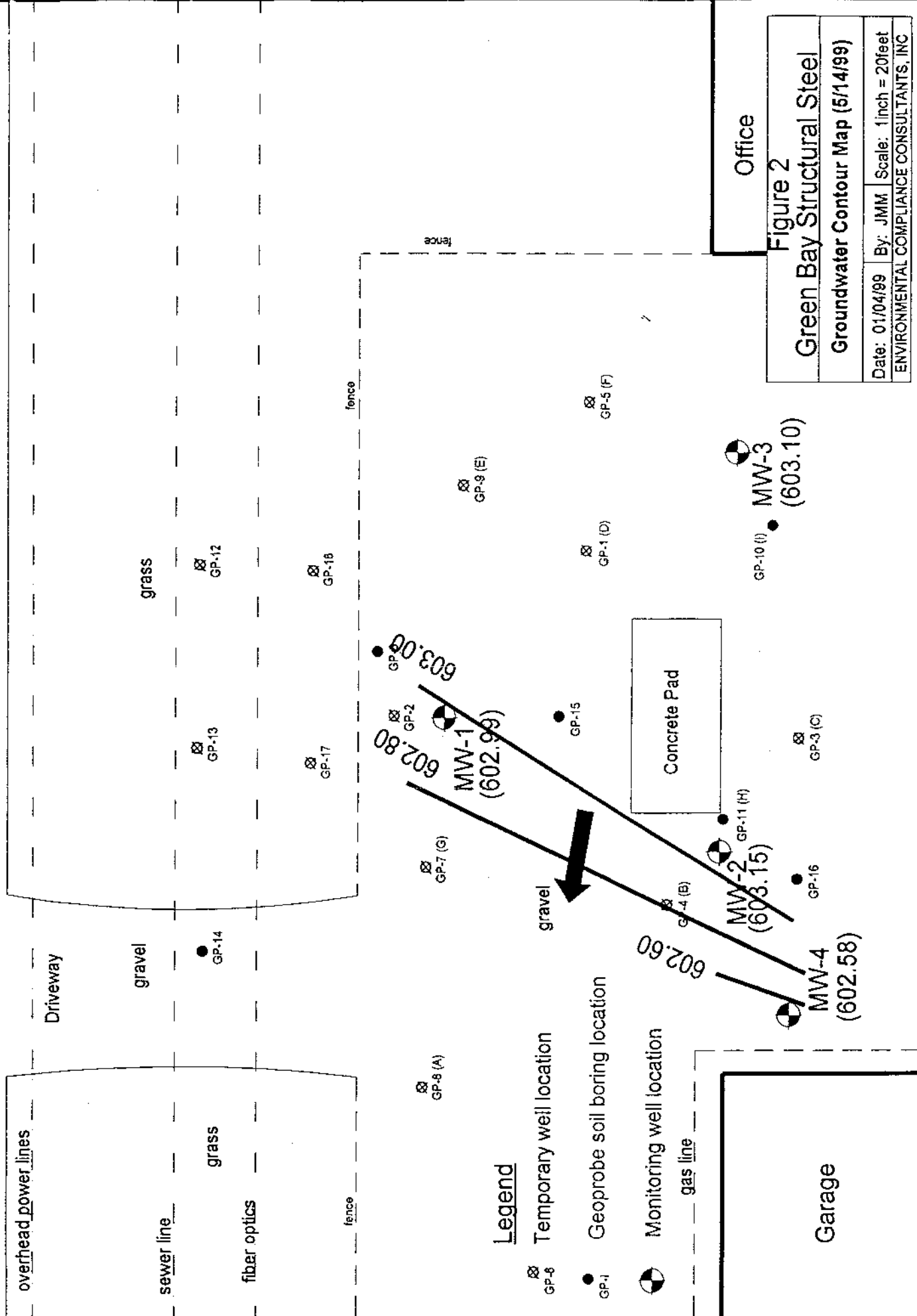


Table 5

Post - Excavation Soil Analytical Results
Green Bay Structural Steel
Green Bay, Wisconsin

		Area #2		Area #3	
		North Paint Shed		South Paint Shed	
		GP-1	GP-2	GP-3	GP-4
SOIL ANALYTICAL RESULTS (SAMPLED 0.0 - 2.0 FEET BSG)					
	RCL				
Lead - TCLP (mg/L)		<0.20	2.2	<0.20	<0.20
Zinc - TCLP (mg/L)		0.25	16	<0.20	<0.20
VOCs (ug/kg)					
Benzene	5.5	<25	<25	<25	<25
Ethylbenzene	2900	<25	<25	<25	<25
Isopropylbenzene		<25	<25	<25	<25
Naphthalene		<25	<25	<25	<25
n-Propylbenzene		<25	<25	<25	<25
Toluene	1500	<25	<25	<25	<25
1,2,4-Trimethylbenzene		<25	<25	<25	<25
1,3,5-Trimethylbenzene		<25	<25	<25	<25
m&p Xylene	4100	<25	<25	<25	<25
o-Xylene		<25	<25	<25	<25
GROUNDWATER ANALYTICAL RESULTS					
	ES/PAL				
Lead - Dissolved (ug/L)	15/1.5	55	na	21	7.5
Zinc - Dissolved (ug/L)		1000	na	240	420
VOCs (ug/L)					
Benzene	5/0.5	<0.27	na	na	<0.27
Ethylbenzene	700/140	<0.32	na	na	<0.32
Methyl-ter-butyl-ether	60/12	<0.32	na	na	<0.32
Naphthalene	40/8	<0.35	na	na	<0.35
Toluene	343/68.6	<0.27	na	na	0.33
1,2,4-Trimethylbenzene	480/96	<0.22	na	na	<0.22
1,3,5-Trimethylbenzene		<0.27	na	na	<0.27
m&p Xylene	620/124	<0.43	na	na	<0.43
o-Xylene		<0.24	na	na	<0.24

Notes:

NR 140.10 Enforcement Standard (ES) exceedences are shaded

Table 6a

Post - Excavation Groundwater Analytical Results, Area #2
Green Bay Structural Steel
Green Bay, Wisconsin

		Area #2							
		North Paint Shed							
	ES/PAL	GP-5		GP-6		GP-10		GP-11	GP-12
Date		10/25/99	11/01/99	10/25/99	11/01/99	10/25/99	11/01/99	11/08/99	11/08/99
Lead - Dissolved (ug/L)	15/1.5	<.73	1.5	39	44	6.7	1.4	2.7	1.3
Zinc - Dissolved (ug/L)		12	33	544	689	23	34	52	82

Notes:

NR 140.10 Enforcement Standard (ES) exceedences are shaded
 NR 140.10 Preventive Action Limit (PAL) exceedences are bolded

Table 6b

Post - Excavation Groundwater Analytical Results, Area #3
Green Bay Structural Steel
Green Bay, Wisconsin

		Area #3 & #6					
		South Paint Shed					
	ES/PAL	GP-7		GP-8		GP-9	
Date		10/25/99	11/01/99	10/25/99	11/01/99	10/25/99	11/01/99
Methylene Chloride	5/0.5	0.52	na	0.49	na	0.49	na
Lead - Dissolved (ug/L)	15/1.5	<.73	4.1	<.73	1.9	1.8	<.73
Zinc - Dissolved (ug/L)		79	560	53	93	96	89

Notes:

NR 140.10 Enforcement Standard (ES) exceedences are shaded
 NR 140.10 Preventive Action Limit (PAL) exceedences are bolded